

SENATE CHAMBER,
AUSTIN, TEXAS, January 24, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Senator Sayers presented the petition of sundry citizens of Bastrop county on the subject of the sale of intoxicating liquors. Referred to Judiciary Committee No. 1.

Senator Pyle presented the petition of sundry citizens of Kaufman county, asking the formation of a new county. Referred to the Committee on Counties and County Boundaries.

Senator Shelley presented the petition of E. Higby, for "himself, and others interested," upon the subject of tax sales. Referred to Judiciary Committee No. 1.

Senator Shelley introduced a bill to provide for the execution of deeds of conveyance to purchasers of lands under tax sales. Read first time and referred to Judiciary Committee No. 1.

A message was received from the House, announcing to the Senate the adoption by the House of the following resolution:

Resolved, That the Senate be, and it is hereby invited to go into joint session with the House of Representatives at 12 o'clock M., on Saturday the twenty-fifth instant, for the purpose of electing a public printer.

Senator Finlay, chairman of Judiciary Committee No. 2, reported, recommending the passage of House bill No. 44, "An act to incorporate the city of Brenham, and grant a new charter."

Senator Latimer, chairman of the Committee on Enrolled Bills, reported correctly enrolled the Senate bill making an appropriation for the *per diem* pay and mileage of the members and *per diem* pay of the officers of the Thirteenth Legislature.

Senator Shelley introduced a bill to authorize the appointment of attorneys in criminal cases before a justice of the peace and to allow them fees therefor.

Read first time and referred to Judiciary Committee No. 2.

The Senate then proceeded to the orders of the day and business on the President's table.

A report from Judiciary Committee No. 2, recommending the passage of Senate bill No. 11, "An act repealing an act to establish a State police and provide for the regulation of the same," approved July 1, 1870, taken up, report adopted and bill ordered engrossed.

Also, report from same, recommending passage of Senate bill No. 20, "An act to amend an act to exempt certain persons from serving on juries," passed November 14, 1871, with amendment by the committee, taken up and amendment adopted.

Senator Fountain proposed to amend the bill by inserting after the words "practicing attorneys," the words "telegraph operators actually employed." Adopted.

Also, to amend by adding, "and members of fire companies who have or may hereafter serve for the period of five years."

On motion of Senator Broughton, the amendment was laid on the table by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Evans, Finlay, Flanagan, Gaines, Henry, King, Pyle, Randle, Sayers, Shelley, Swift, Tracy, Word—19.

Nays—Senators Dohoney, Ford, Fountain, Hall, Latimer, Rawson, Ruby, Saylor, Tendick and Mr. President—10.

Senator Henry proposed to amend by inserting after the words "ministers of the gospel," the words "who have not accepted a seat in the Legislature of this State."

Adopted. Bill as amended ordered engrossed.

Joint resolution instructing our Senators and requesting our Representatives in Congress to urge the opening of the Indian country north of Texas to settlement, was taken up, read third time, and, on motion of Senator Flanagan, made the special order for Thursday next, at 11 o'clock.

On motion of Senator Flanagan, Senator Ruby was excused from attendance on the Senate until Tuesday next.

A bill to provide for the enrollment of the militia, the organization and discipline of State guards, and for the public defense, approved January, 2, 1870, was taken up, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—17.

Nays—Senators Baker, Ford, Flanagan, Fountain, Gaines, Hall, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—12.

Senate bill No. 1, a bill to repeal "An act to provide for the appointment by the Governor of certain officers to fill vacancies," approved January 28, 1870, was taken up, read third time and passed.

Senate joint resolution No. 5, requiring the Treasurer to pay all warrants as presented, without regard to number or date, was taken up, read second time and ordered engrossed.

Senator Flanagan moved to suspend the rules and place the resolution upon its passage. Lost by the following vote:

Yeas—Senators Baker, Ball, Broughton, Cole, Flanagan, Fountain, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy and Mr. President—18.

Nays—Senators Avinger, Dillard, Dohoney, Evans, Ford, Finlay, Gaines, Hall, Henry, Swift and Word—11.

A substitute of the House for Senate bill No. 10, a bill to repeal "An act to regulate public printing," approved August 13, 1870, was taken up, substitute read first time, and, on motion of Senator Fountain, was, together with the bill, referred to the printing committee, by the following vote:

Yeas—Senators Baker, Broughton, Dillard, Ford, Flanagan, Fountain, Gaines, Hall, Rawson, Randle, Ruby, Saylor, Swift, Tendick and Tracy—15.

Nays—Senators Avinger, Ball, Cole, Dohoney, Evans, Finlay, Henry, King, Latimer, Pyle, Sayers, Shelley, Word and Mr. President—14.

A report from Judiciary Committee No. 1, recommending the passage of a substitute for Senate bill No. 12, to repeal "An act to provide for appeals from interlocutory judgments in the District Courts of the State," taken up, substitute adopted and ordered engrossed.

The resolution of the House, inviting the Senate to meet the House in joint session at 12 o'clock M., Saturday, twenty-fifth instant, and go into the election of Public Printer, was taken from the President's table and read.

On motion of Senator Fountain, a call of the Senate was ordered.

Absent—Senators Franks, King and Randle.

The absentees appearing within the bar of the Senate, the President announced the call suspended, and on motion of Senator Fountain, the resolution was laid on the table by the following vote :

Yeas—Senators Avinger, Baker, Broughton, Dillard, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Saylor, Tendick, Tracy and Word—17.

Nays—Senators Ball, Cole, Dohoney, Evans, Finlay, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift and Mr. President—13.

Senator Fountain moved to reconsider the vote just taken.

On motion of Senator Ruby, the motion to reconsider was laid on the table by the following vote :

Yeas—Senators Avinger, Baker, Broughton, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Saylor, Tendick, Tracy and Word—16.

Nays—Senators Ball, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift and Mr. President—14.

On motion of Senator Cole, Senate adjourned till ten o'clock, A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, January 25, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Senator Avinger asked leave to change his vote on the motion of Senator Ruby to lay Senator Fountain's motion to reconsider the vote tabling the House resolution inviting the Senate to meet the House in joint session to elect a Public Printer, stating that if he had voted in the affirmative, it was done under a misapprehension of the question.

The President decided that he could not be allowed, under the rules of the Senate, to change his vote after the result had been announced.

Journal adopted.

Senator Sayers presented petition of sundry citizens of Bastrop county, to prohibit the sale of liquor within one